

# **EXHIBIT B**

FILED

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APR 11 2008

Civil Administration

ROBERT E. PAUL  
ALAN I. REICH  
RICHARD P. MYERS  
ELIOT PRESENT

April 9, 2008

HONORABLE ALLAN TERESHKO  
Court of Common Pleas  
Complex Litigation Center  
Room 622, City Hall  
Philadelphia, PA 19107

RE: Corson v. Westinghouse Airbrake (American Standard) PCCP 0706-1384  
Control No.: 030869  
Opposing Counsel: Daniel Ryan  
May 2008 Group 2180 (Mesothelioma)  
Asbestos Case

Dear Judge Tereshko:

Westinghouse Airbrake (Wabco) and Johns-Manville (JM) each owned 50% of Railroad Friction (RFPC). RFPC was created to distribute the Cobra shoes. The Cobra brake shoes was a joint venture of JM and Wabco (Exhibit C) which both helped build the product (Exhibit A). At all times material (i.e. prior to 1980 when asbestos was removed from the shoe) RFPC consisted of one full time employee and 3 halftime employees. The remainder of the work of the three half timers was spent as Wabco employees. The RFPC operation was housed in a small portion of Wabco's building (Exhibit B). As the co-manufacturer of Cobra shoes Wabco is liable for injuries caused by Cobra shoes (Exhibit F). Both Terry (Exhibit D) and George Corson the younger (Exhibit E) describes their father's exposure to gaskets on Westinghouse air brake valves and compressors. The Westinghouse air brake valves and compressors contained asbestos gaskets. (Exhibit G). As to Cobra shoe liability for Corson's injury see answer to RFPC's motion incorporated by reference pursuant to PA R.C.P. 1019 I note that in cancer causation one exposure is enough as even defense experts such as DeLisser will concede (Exhibit H) and the evidence is one cell turning cancerous starts the process which is the basis for the every breath testimony as noone knows which fiber caused which cell to become cancerous (Exhibit I).

Very truly yours,

PAUL, REICH & MYERS, P.C.

BY:

  
ROBERT E. PAUL

REP/am

cc: Daniel Ryan

IN THE COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY  
CIVIL SECTION: TRIAL DIVISION

GLORIA GAIL KURNS, Executrix of	:JUN TERM, 2007
the Estate of GEORGE M. CORSON,	:
deceased, and FREIDA E. JUNG CORSON,	:
	:
vs_	:NO_ 0706-1384
	:
A.W. CHESTERTON, INC.	: ASBESTOS CASE

**ORDER**

**AND NOW**, to wit, this                      Day of                      , 2008, the motion for summary judgment of **Westinghouse Airbrake (American Standard)** is hereby **DENIED**.

BY THE COURT:

\_\_\_\_\_. J.

# EXHIBIT A

OF ALABAMA

MAR. 18 1966

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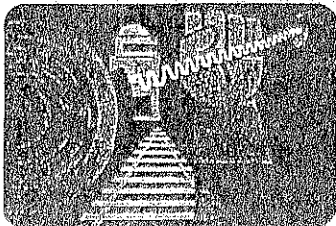


## 1965 ANNUAL REPORT

WESTINGHOUSE AIR BRAKE COMPANY

Labor agreements for all operations are negotiated to 1967. Late in 1965 WABCO negotiated long-term agreements involving approximately one-third of total hourly employees.

## *Railroad and Mass Transit*



*Railroad Braking Systems*

The market for air brakes and related products was excellent. WABCO operated its facilities at capacity. New facilities were completed, but early start-up difficulties delayed production at designed capacities.

Highlights of 1965 sales activity follow.

- 35% of sales in 1965 involved products introduced to the market within the past 5 years.

- 42% of the new freight cars built in 1965 were equipped with the WABCO PAC brake assembly—23% were so equipped in 1964.

- 49% of the new freight cars built in 1965 were equipped with COBRA\* brake shoes (a product manufactured by Railroad Friction Products, which is owned jointly with Johns-Manville Corporation). Sales of COBRA brake shoes, including replacements, increased 42.3% in 1965.

- 45% of the new freight cars built in 1965 were equipped with the Company's ABD valve, a greatly improved version of WABCO's AB product.

The ABD valve has been sold to all of the major car builders and 71% of the railroads own at least some cars equipped with the new product.

Several important new products for the railroad industry were introduced in 1965 designed to improve control, increase the load that can be carried, reduce weight, or exchange mechanical for manual operation. They are: Freight Brake Repeater Unit, Remote Multiple Unit Brake Control System, Unitized Locomotive Brake Equipment, and Automatic Car Coupler (mass transit cars).

Sales of traffic control, signal, and classification equipment increased in 1965. The number of major jobs did not increase appreciably over the low levels experienced in recent years, but there was substantially more activity in the market confirming earlier anticipation that revitalization of this area of the Company's business is about to occur.

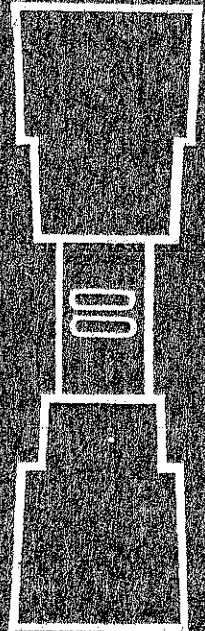
## *Mass Transit*

Mass transit is a major market opportunity for WABCO to increase sales in the near future. While precise details of this opportunity cannot now be defined, identified prospects include:

\*Registered Trademark of Railroad Friction Products Corporation.

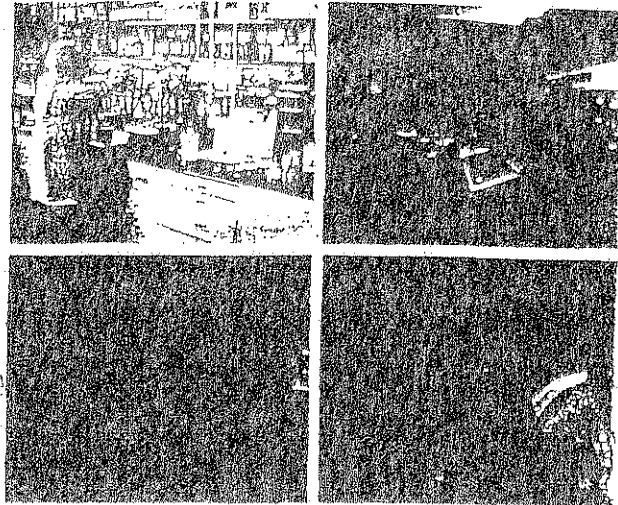
# EXHIBIT B

# The Modern Brake Shoe for Modern Railroading



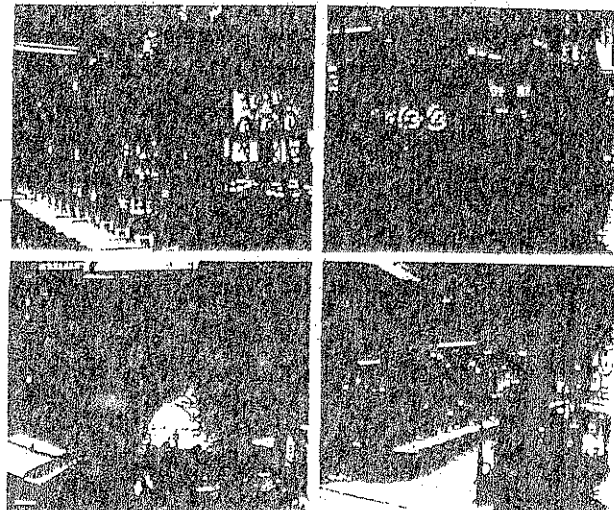
### Friction Material Technology—

The basic research that led to the development of the COBRA composition brake shoe innovation continues to this day. The Manville Corporation, with over 50 years of friction material experience, provides the research support for COBRA Shoes through its technical center in Denver, Colorado.



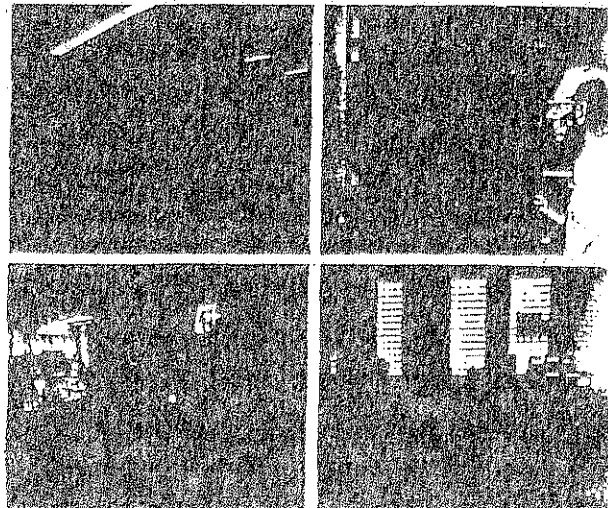
### Railroad Braking Technology—

Merging the science of friction materials to the science of railroad braking in the creation of COBRA Shoes was the role of the Westinghouse Air Brake Division of American Standard Inc. This originator of the air brake, and still a leader in today's braking technology, also contributes to the success of COBRA Shoes through their extensive facilities in Wilmerding, Pennsylvania.



### Developmental Testing—

Three full-scale, computer-controlled or computer analyzed dynamometers are used to study COBRA Shoe performance under a wide range of operating conditions and environments. Car and locomotive weights from 26,000 to 400,000 pounds and speeds up to 250 mph can be simulated to provide information for continuous product upgrading.



# EXHIBIT C

David T. Kerr

(Fabian, et al v. Asbestos (ROUGH DRAFT))

November 14, 2002

Page 1

1 SUPREME COURT:

2 STATE OF NEW YORK COUNTY OF NASSAU

3 IN RE: ASBESTOS LITIGATION

7 DEPOSITION UNDER ORAL

8 EXAMINATION OF

9 DAVID T. KERR

11 This Document Applies to:

12 JOSEPH FABIAN and MARGARET GRASEK,

13 individually and MARGARET GRASEK,

14 individually and as Executrix of the

15 Estate of LOUIS GRASEK and JOHN

16 HAUGH, individually and as Executor

17 of the Estate of JOHN HAUGH,

18 Plaintiffs

19 INDEX NO. 01-12777

22 PRIORITY-ONE COURT REPORTING

23 SERVICES, INC.

24 899 Manor Road

25 Staten Island, New York 10314

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at you worked at WABCO that would  
related to asbestos and air brake  
equipment would be, if anything,  
ould be these minutes that we are  
lking about? There's nothing  
se.

ATTORNEY CAMP:

Object to the form of  
the question.

BY ATTORNEY PAUL:

There's nothing else that  
ou have at your house?

No. I was going to say,  
ey weren't taken out of the  
fice. They came to my house.

I got you.

My mailing address was  
me for that association.

Got you. I understand  
at. You were a member as an  
dividual. Okay. So there you  
ive no other documents other than  
ose that relate to --- that would  
late to asbestos and air brake  
quipment at your house or any other

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1 ATTORNEY HERRIGAN:

2 Objection, can we  
3 have a time frame at what  
4 point.

5 BY ATTORNEY LLOYD:

6 Q. I just want to know at any  
7 point what was your knowledge with  
8 respect to the relationship between  
9 WABCO and Railroad Friction?

10 A. WABCO is a part owner of  
11 Railroad Friction products.

12 Q. Okay. Now, at some point  
13 did that relationship, being a part  
14 owner, did that change any way?  
15 Were they always a part owner?

16 A. When American Standard  
17 bought Westinghouse Air Brake, it  
18 became American Standard as a part  
19 owner.

20 Q. And then was there another  
21 change when American Standard, I  
22 think you said spun off WABCO. Was  
23 there another change in the  
24 relationship between WABCO and  
25 Railroad Friction when that

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possession of yours?

No, sir.

ATTORNEY PAUL:

I'm going turn over  
the floor for Mr. Lloyd  
for a few things and then  
I will take it back.

BY ATTORNEY LLOYD:

Hi, Mr. Kerr. Good  
afternoon. A few questions. When  
ou were employed by WABCO, were you  
ware of what the relationship, if  
y, there was between WABCO and  
ailroad Friction Products.

ATTORNEY CAMP:

Object to the form of  
the question.

I had knowledge of --- was  
informed as to the relationship,  
es.

BY ATTORNEY LLOYD:

And what was your  
nowledge or what you informed the  
lationship between the two  
ntities was?

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1 occurred?

2 A. Yes.

3 ATTORNEY CAMP:

4 Now you're talking  
5 about a period --- are you  
6 still talking about a  
7 period which he was  
8 employed at WABCO? That  
9 was what your question was  
10 predicated on initially?

11 ATTORNEY LLOYD:

12 Right. But I'm just  
13 asking him what he knows.

14 ATTORNEY CAMP:

15 During the time he  
16 was employed at WABCO?

17 ATTORNEY LLOYD:

18 No.

19 ATTORNEY CAMP:

20 All right. I want to  
21 clear it up. I'm not  
22 being contentious.

23 ATTORNEY LLOYD:

24 I know.

25 BY ATTORNEY LLOYD:

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question.

BY ATTORNEY LLOYD:

Q. What was Mr. Graham's title or possession, if you know, for Railroad Friction?

A. I'm really sure ever his title exact title.

Q. Do you know what he did?

A. Well, he oversaw the Railroad Friction products operations, as far as I know.

Q. And who was working in customer service for Railroad Friction products.

ATTORNEY CAMP:

He just testified

there was one employee.

All right? I'm sorry. Go ahead.

ATTORNEY LLOYD:

I know.

BY ATTORNEY LLOYD:

Q. Let me preface the question by saying that you told me that the Railroad Friction

A. I'm sorry. I said let me

--- '78, that would be American

Standard. Wait. No, that changed.

No, it changed in '78 sometime so

I'm not sure.

Q. Okay.

A. It was between maybe the two companies.

Q. At the time that you were

doing the you the time you made this

committee disclosure in 1978 about

the asbestos products that were

being purchased by WABCO, it was the

transition time, you're telling me,

between WABCO and American

Standard?

ATTORNEY CAMP:

Object to form.

A. As far as absorbing the

company, you know, Westinghouse Air

Brake Company into American

Standard, yes, where they lost their

name somewhere in there.

BY ATTORNEY LLOYD:

Q. I want go back and revisit

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operations were customer service was in the general offices building. My question is, do you know any do you know the number of people that were situated in the customer service area of Railroad Friction products in that particular building?

ATTORNEY HARRIGAN:

Object to form.

ATTORNEY LLOYD:

Can you follow that?

ATTORNEY CAMP:

He can answer it.

A. I think there were three people as I recall.

BY ATTORNEY LLOYD:

Q. Now, the three people that were doing customer service do you know by whom they were employed?

A. They got their paycheck from Westinghouse Air Brake.

Q. And by the way, in 1978, were you getting your checks from Westinghouse Air Brake Company as well?

it. You told me that the three people working for customer service for RFP, you thought you were getting WABCO paychecks. Are you sure that happened or are you sure they were getting WABCO paychecks or was it ASI paychecks?

A. Well, the transition was

that year. So I really don't know.

Their paycheck would change the same

time mine changed from Westinghouse

to American Standard.

Q. Would it be fair to say

then that it was either your

Westinghouse Air Brake check or

American Standard check?

A. Yes.

Q. Aside from the general

offices building on the hill and the

engineering building, I mean, how

far away were these? Were they

walkable or were they ---?

A. Yeah, I'd run up the down

the hill quite frequently, half a

mile from it.

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1 certain products purchased by cab  
2 WABCO that had asbestos in them,  
3 that's the time frame I'm talking  
4 about now.

5 ATTORNEY CAMP:

6 I'm going to object  
7 to the form of your  
8 statement. And you can  
9 answer it?

10 A. Well, there's a multitude  
11 of functions in the general office.  
12 The executives were there. The  
13 finance department was there, the  
14 Railroad Friction Products  
15 operations was there.

16 BY ATTORNEY LLOYD:

17 Q. All right. When I say  
18 executives, would that be executives  
19 for WABCO were up there? Is that  
20 what you're talking about when you  
21 say executives?

22 A. Yes.

23 Q. Also executives for  
24 Railroad Friction Products were in  
25 that building as well?

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1 in the Railroad Friction Products.

2 Q. Did you know anybody in  
3 --- strike that.

4 Did Railroad Friction  
5 Products have a separate finance  
6 department from Westinghouse Air  
7 Brake Company?

8 ATTORNEY HARRIGAN:

9 Can we be specific as  
10 to time?

11 ATTORNEY LLOYD:

12 All my questions now  
13 are in this 1978 time  
14 frame that we've been  
15 talking about when he was  
16 on this committee?

17 A. They had a person assigned  
18 to handle the financial aspects of  
19 RFPC.

20 BY ATTORNEY LLOYD:

21 Q. All right. And where was  
22 that person located, if you know?  
23 That person's office, his or her  
24 office?

25 A. That would be in the

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1 A. No. I'm talking

2 Westinghouse Air Brake.

3 Q. When you say the finance  
4 department, was that Westinghouse  
5 Air Brake finance department?

6 A. Yes, sir.

7 Q. Now, you told me Railroad  
8 Friction Product operations was in  
9 that building?

10 A. Their customer service was  
11 there.

12 Q. What else involving  
13 Railroad Friction was in that same  
14 building the general offices  
15 building?

16 A. Just the customer service  
17 function.

18 Q. Okay. Was there a  
19 separate building where the ---  
20 strike that. I'm sorry.

21 Did Railroad Friction  
22 Products, as far you know, have any  
23 have separate executives from  
24 Westinghouse Air Brake Company?

25 A. I don't know the officers

Page 205

1 general office building.

2 Q. Do you know how many  
3 employees RFPC had in 1978, other  
4 than this person who was doing ---  
5 strike that. I don't know ---  
6 strike that.

7 ATTORNEY VITSAS:

8 I was getting ready  
9 ---.

10 BY ATTORNEY LLOYD:

11 Q. Do you know how many  
12 employee RFPC had in 1978?

13 A. One.

14 Q. Who was that?

15 A. A fellow by the name of  
16 Bill Graham.

17 Q. Was Mr. Graham the account  
18 guy that you told me was doing the  
19 accounts.

20 ATTORNEY CAMP:

21 Object to form.

22 ATTORNEY VITSAS:

23 Object to form.

24 ATTORNEY LLOYD:

25 I'll rephrase the

# EXHIBIT D

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THE WITNESS: Scrapers that I had the blacksmith make to my order.

BY MS. DYSON:

Q And how long would it take to scrape an old gasket off?

MR. MYERS: How long would it take to scrape an old gasket off?

THE WITNESS: On a trailer head on an air compressor, probably two hours.

BY MS. DYSON:

Q And could you describe the shop area where you did this work at Othello?

MR. MYERS: Can you describe the shop area at Othello where you did this work?

THE WITNESS: It was a roundhouse that was built for steam engines and converted over to work the diesels then.

BY MS. DYSON:

Q Do you know approximately the size of the roundhouse?

MR. MYERS: I'm sorry; say that again, please.

BY MS. DYSON:

Q What was approximately the size?

MR. MYERS: What was the

Page 192

1 sort of stuff.

2 BY MS. DYSON:

3 Q Did you have to perform any work on the  
4 other equipment in the roundhouse?

5 MR. MYERS: Did you have to  
6 perform any work on the other equipment in  
7 the roundhouse?

8 THE WITNESS: No.

9 BY MS. DYSON:

10 Q Was the roundhouse dirty from the  
11 exhaust from the diesels?

12 MR. MYERS: Was the roundhouse  
13 dirty from the exhaust from the diesels?

14 THE WITNESS: It wasn't really  
15 too bad because it was warm enough out there  
16 you could leave the doors open. It wasn't  
17 near as bad as Harlowtown, where you had to  
18 keep the doors shut in thirty degrees below  
19 winter.

20 BY MS. DYSON:

21 Q And how many doors did the roundhouse  
22 have?

23 MR. MYERS: How many doors did  
24 the roundhouse have?

25 THE WITNESS: How many doors?

Page 191

approximate size of the roundhouse?

THE WITNESS: Well, they could put twelve diesels in it.

MR. MYERS: You could put twelve diesels in it.

BY MS. DYSON:

Q Did it have different sections?

MR. MYERS: Did it have different sections?

THE WITNESS: No.

BY MS. DYSON:

Q Was there other equipment inside of this roundhouse?

MR. MYERS: Was there other equipment inside the roundhouse?

THE WITNESS: What equipment it had, yes.

BY MS. DYSON:

Q What other types of equipment was inside the roundhouse?

MR. MYERS: What other equipment was inside the roundhouse?

THE WITNESS: Oh, they didn't have any kind of test equipment in there. They stored oil in there, grease and that

Page 193

1 MR. MYERS: Yes.

2 THE WITNESS: Two doors for each  
3 stall.

4 MR. MYERS: And how many stalls?

5 MS. DYSON: Thanks.

6 THE WITNESS: There was twelve  
7 stalls.

8 MR. MYERS: Okay. So twenty-four  
9 doors; right?

10 THE WITNESS: (Witness nods  
11 head).

12 MR. MYERS: Okay.

13 BY MS. DYSON:

14 Q You said earlier that the replacement  
15 gasket you used had a GM on the tag.

16 MR. MYERS: You said earlier that  
17 the replacement gasket you used had a GM on  
18 the tag.

19 THE WITNESS: Yeah.

20 BY MS. DYSON:

21 Q Do you recall what context the GM was  
22 written in?

23 MR. MYERS: Do you remember what  
24 context the GM was written in?

25 THE WITNESS: No.

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1 BY MS. DYSON:

2 Q Do you remember anything else on that  
3 tag?

4 MR. MYERS: Do you remember  
5 anything else on that tag?

6 THE WITNESS: No.

7 BY MS. DYSON:

8 Q Where were the replacement gaskets  
9 obtained?

10 MR. MYERS: Were the replacement  
11 gaskets obtained?

12 THE WITNESS: Where were they  
13 from?

14 MR. MYERS: Yes.

15 THE WITNESS: We got them from  
16 the store department. Where they come from,  
17 I have no idea.

18 BY MS. DYSON:

19 Q Did you physically go to the store  
20 department yourself to retrieve them?

21 MR. MYERS: Did you go to the  
22 store department yourself to retrieve them?

23 THE WITNESS: Yeah.

24 BY MS. DYSON:

25 Q How were they stored?

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1 MR. MYERS: How were they stored?

2 THE WITNESS: It was hung up on a  
3 tape.

4 BY MS. DYSON:

5 Q Were they in their packaging?

6 MR. MYERS: Were they in their  
7 packaging?

8 THE WITNESS: They was in a  
9 cellophane package, each one separate.

10 BY MS. DYSON:

11 Q Do you remember any writing on the  
12 package?

13 MR. MYERS: Do you remember any  
14 writing on the package?

15 THE WITNESS: No, I don't.

16 BY MS. DYSON:

17 Q Were they pre-cut or did you have to  
18 make them yourself?

19 MR. MYERS: Were they pre-cut or  
20 did you have to make them yourself?

21 THE WITNESS: They was all  
22 pre-cut. You just put them on.

23 BY MS. DYSON:

24 Q How long did it take to put them on?

25 MR. MYERS: How long did it take

Page 196

1 to put them on?

2 THE WITNESS: Oh, not over two  
3 hours.

4 BY MS. DYSON:

5 Q Now, earlier you said there would be  
6 dust. What part of the installation process  
7 would there be dust?

8 MR. MYERS: Earlier you said that  
9 there would be dust. What part of the  
10 installation process would there be dust?

11 THE WITNESS: On scraping the  
12 gaskets off of the air compressor itself.

13 BY MS. DYSON:

14 Q Okay. Any dust when you installed the  
15 pre-cut gaskets?

16 MR. MYERS: Any dust when you  
17 installed the pre-cut gasket?

18 THE WITNESS: Yeah, because --  
19 not installing it. It was the dust taking  
20 the old one off.

21 MR. MYERS: Okay. But the  
22 question is, when you installed the new  
23 one --

24 THE WITNESS: No.

25 MR. MYERS: There's no dust from

Page 197

1 the new one?

2 THE WITNESS: No.

3 MR. MYERS: Okay.

4 BY MS. DYSON:

5 Q Besides what we've just discussed, have  
6 you used any asbestos-containing product in  
7 connection with your work on GM diesels at  
8 the railroad at any other time?

9 MR. MYERS: Besides what we've  
10 just discussed, have you used any other  
11 asbestos products on the GM diesels besides  
12 -- at any other time?

13 THE WITNESS: No.

14 MR. MYERS: No.

15 THE WITNESS: Well, now let's go  
16 back. I renewed two gaskets on the stack.

17 MR. MYERS: Two stack gaskets?

18 THE WITNESS: Yeah.

19 MS. DYSON: What was that; I'm  
20 sorry?

21 MR. MYERS: He removed two stack  
22 gaskets where the exhaust comes out of the  
23 diesel engines.

24 BY MS. DYSON:

25 Q Okay. And what location was this done?

Page 190

THE WITNESS: Scrapers that I had the blacksmith make to my order.

BY MS. DYSON:

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15 too bad because it was warm enough out there  
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19 winter.

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22 have?

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24 the roundhouse have?

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11 head).

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15 gasket you used had a GM on the tag.

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12 THE WITNESS: Where were they  
13 from?

14 MR. MYERS: Yes.

15 THE WITNESS: We got them from  
16 the store department. Where they come from,  
17 I have no idea.

18 BY MS. DYSON:

19 Q Did you physically go to the store  
20 department yourself to retrieve them?

21 MR. MYERS: Did you go to the  
22 store department yourself to retrieve them?

23 THE WITNESS: Yeah.

24 BY MS. DYSON:

25 Q How were they stored?

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1 to put them on?

2 THE WITNESS: Oh, not over two  
3 hours.

4 BY MS. DYSON:

5 Q Now, earlier you said there would be  
6 dust. What part of the installation process  
7 would there be dust?

8 MR. MYERS: Earlier you said that  
9 there would be dust. What part of the  
10 installation process would there be dust?

11 THE WITNESS: On scraping the  
12 gaskets off of the air compressor itself.

13 BY MS. DYSON:

14 Q Okay. Any dust when you installed the  
15 pre-cut gaskets?

16 MR. MYERS: Any dust when you  
17 installed the pre-cut gasket?

18 THE WITNESS: Yeah, because --  
19 not installing it. It was the dust taking  
20 the old one off.

21 MR. MYERS: Okay. But the  
22 question is, when you installed the new  
23 one --

24 THE WITNESS: No.

25 MR. MYERS: There's no dust from

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1 MR. MYERS: How were they stored?

2 THE WITNESS: It was hung up on a  
3 tape.

4 BY MS. DYSON:

5 Q Were they in their packaging?

6 MR. MYERS: Were they in their  
7 packaging?

8 THE WITNESS: They was in a  
9 cellophane package, each one separate.

10 BY MS. DYSON:

11 Q Do you remember any writing on the  
12 package?

13 MR. MYERS: Do you remember any  
14 writing on the package?

15 THE WITNESS: No, I don't.

16 BY MS. DYSON:

17 Q Were they pre-cut or did you have to  
18 make them yourself?

19 MR. MYERS: Were they pre-cut or  
20 did you have to make them yourself?

21 THE WITNESS: They was all  
22 pre-cut. You just put them on.

23 BY MS. DYSON:

24 Q How long did it take to put them on?

25 MR. MYERS: How long did it take

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1 the new one?

2 THE WITNESS: No.

3 MR. MYERS: Okay.

4 BY MS. DYSON:

5 Q Besides what we've just discussed, have  
6 you used any asbestos-containing product in  
7 connection with your work on GM diesels at  
8 the railroad at any other time?

9 MR. MYERS: Besides what we've  
10 just discussed, have you used any other  
11 asbestos products on the GM diesels besides  
12 -- at any other time?

13 THE WITNESS: No.

14 MR. MYERS: No.

15 THE WITNESS: Well, now let's go  
16 back. I renewed two gaskets on the stack.

17 MR. MYERS: Two stack gaskets?

18 THE WITNESS: Yeah.

19 MS. DYSON: What was that; I'm  
20 sorry?

21 MR. MYERS: He removed two stack  
22 gaskets where the exhaust comes out of the  
23 diesel engines.

24 BY MS. DYSON:

25 Q Okay. And what location was this done?